

415  
BILL NO. Z-90-02-15

1 ZONING MAP ORDINANCE NO. Z-Josh

2 AN ORDINANCE amending the City of  
3 Fort Wayne Zoning Map No. N-42.

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
5 FORT WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is  
7 hereby designated a R-3 (Multi-Family Residential) District  
8 under the terms of Chapter 33 of the Code of the City of  
9 Fort Wayne, Indiana of 1974:

10 Lot C in A.F. Smith's Subdivision of the Northeast  
11 Quarter of the Northwest Quarter of Section 13,  
12 Township 31 North, Range 12 East, Allen County,  
13 Indiana.

14 and the symbols of the City of Fort Wayne Zoning Map No. N-  
15 42, as established by Section 11 of Chapter 33 of the Code  
16 of the City of Fort Wayne, Indiana are hereby changed  
17 accordingly.

18 SECTION 2. That this Ordinance shall be in full force  
19 and effect from and after its passage and approval by the  
20 Mayor.

21 Janet H. Bradbury  
22 Councilmember

23 APPROVED AS TO FORM AND LEGALITY:

24 J. TIMOTHY McCaulay, CITY ATTORNEY

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by \_\_\_\_\_, and referred to the Committee on \_\_\_\_\_ (legislature) (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.T.

DATED: 2-27-90

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by Salmis, and duly adopted, placed on its passage. Bradbury,  
~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>		<u>8</u>		<u>1</u>
<u>BRADBURY</u>		<u>✓</u>		
<u>BURNS</u>		<u>✓</u>		
<u>EDMONDS</u>		<u>✓</u>		
<u>GiaQUINTA</u>		<u>✓</u>		
<u>HENRY</u>		<u>✓</u>		
<u>LONG</u>				<u>✓</u>
<u>REDD</u>		<u>✓</u>		
<u>SCHMIDT</u>		<u>✓</u>		
<u>TALARICO</u>		<u>✓</u>		

DATED: 2-27-90

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock M., E.S.T.

PAUL HELMKE, MAYOR

## RECEIPT

No 7274

COMMUNITY DEVELOPMENT &amp; PLANNING

FT. WAYNE, IND.,

1-24 1990

RECEIVED FROM

Furniture Specialty \$ 100.00

THE SUM OF

One hundred ~~100~~ <sup>00</sup> 100 DOLLARS

ON ACCOUNT OF

Repairing

# 1193

900 E. Cork St.,  
Ft. WaynePAID BY: CASH  CHECK  M.O. 

AUTHORIZED SIGNATURE

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED 1-24-90

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATEI/We Richard R. Bidlick & Krista Lee Bidlick  
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an R-3 District the property described as follows:900 E. COOK RD.LOT SIZE APPROX 255' X 1305'CITY OF FT. WAYNELOT "C" A. F. SMITH'S ADDITIONLAND TO BE USED FOR PRIVATE CLUB BY THEU.S. MARINE CORPS LEAGUE FT. WAYNE DETACHMENTFT. WAYNE, IN. FED ID # 35-1517751 NOT FOR # 73142408  
(Legal Description) If additional space is needed, use reverse side.ADDRESS OF PROPERTY IS TO BE INCLUDED: 900 E. COOK RD.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.RICHARD R. BIDLICK  
Krista Lee Bidlick

(Name)

5508 WAPITI DR 46804Richard R. Bidlick5508 Wapiti Dr.  
Ft. Wayne, Ind 46804Krista Lee Bidlick

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept requests from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Robert C. BASTIAN  
(Name)330 E. COLLINS RD  
(Address & Zip Code)219-426-5628  
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning &amp; Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

RICHARD R. BIDLACK

5308 Wapiti Dr Fort Wayne 46807 Richard R. Bidlack

MICHAEL JANE BIDLACK

5508 Wapiti Dr Fort Wayne 46807 Michael Jane Bidlack

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.

# Rowens & associates, Inc.

registered  
land surveyors

~~1402 Columbia Avenue~~  
1402 Columbia Blot.

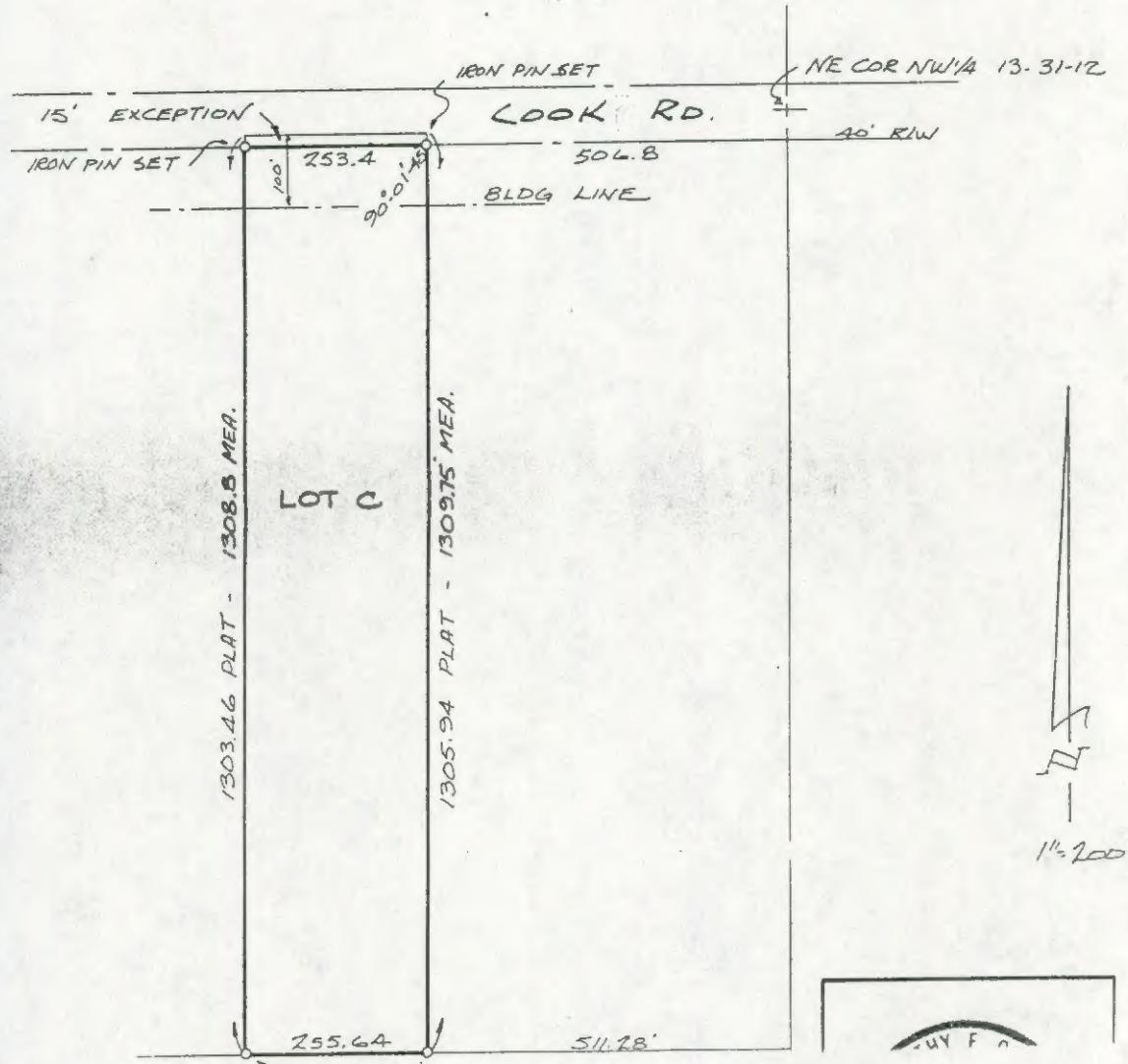
FORT WAYNE, INDIANA 46805

(219) ~~484-7500~~  
484-7500

## CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of Allen County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

Legal description of real estate: Lot C in A. F. Smith's Subdivision of the Northeast Quarter of the Northwest Quarter of Section 13, Township 31 North, Range 12 East, Allen County, Indiana, except the North 15 feet thereof.



2  
3  
AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-14.4  
5  
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:6  
7  
SECTION 1. That the area described as follows is  
hereby designated a R-2-Two Family Residential District under the  
terms of Chapter 33 of the Code of the City of Fort Wayne,  
Indiana of 1974:8  
9  
10 A part of the Northwest Quarter of Section 13, Township  
11 31 North, Range 12 East of the Second Principal  
12 Meridian in Allen County, Indiana, more particularly  
described as follows:13  
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Commencing at the northeast corner of the Southeast  
Quarter of the Northwest Quarter of said Section 13,  
Township 31 North, Range 12 East; thence North (assumed  
bearing), a distance of 1,335.6 feet to the centerline  
of Cook Road, also being the north line of the  
Northwest Quarter of said Section 13; thence West, a  
distance of 506.8 feet along said centerline of Cook  
Road and the north line of the Northwest Quarter of  
Section 13; thence south, a distance of 25 feet to the  
Point of Beginning; thence continuing South, a distance  
of 1,305.94 feet; thence North 89 degrees, 26 minutes,  
37 seconds West, a distance of 255.64 feet; thence  
North 00 degrees, 05 minutes, 53 seconds East, a  
distance of 1,303.46 feet; thence East, a distance of  
253.40 feet to the Point of Beginning; containing 7.62  
acres, more or less, and subject to rights-of-way and  
easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. N-42, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

*Janet G. Bradbury*  
28  
29  
30  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

*J. Matthew McCaulan*

E N. LINE NW. 1/4 SEC. 13-31-12

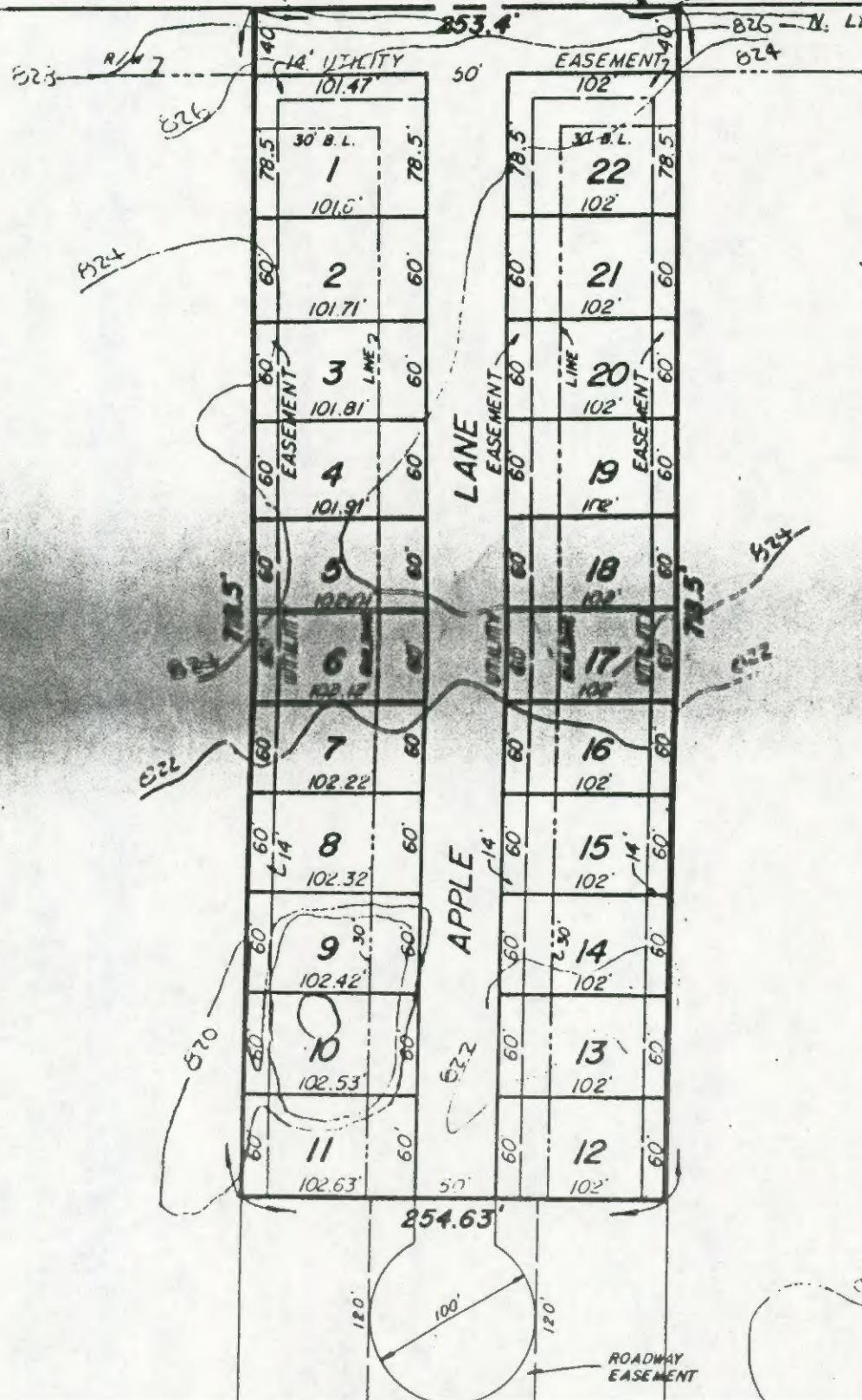
COOK ROAD

506.8'

N. LINE A. F. SMITH'S SUBDIVISION -

NE.  
SEC.  
ALL

**FORT WAYNE COMMUNITY SCHOOLS  
SHAMNEE MIDDLE SCHOOL**



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 27, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-02-19;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 26, 1990.

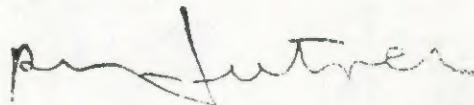
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 5, 1990.

Certified and signed this  
6th day of March 1990.



Robert H. Hutter  
Secretary

XH3  
ORIGINAL

ORIGINAL

**DIGEST SHEET**

**TITLE OF ORDINANCE** Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** 900 E Cook Road

*2-90-02-18*

**EFFECT OF PASSAGE** Property is presently zoned R-2 - Two Family Residential.

Property will become R-3 - Multi-Family Residential.

**EFFECT OF NON-PASSAGE** Property will remain R-2 - Two Family Residential.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.)** \_\_\_\_\_

**FACT SHEET**

Z-90-02-19

**BILL NUMBER****Division of Community  
Development & Planning**

<u>BRIEF TITLE</u>	<u>APPROVAL DEADLINE</u>	<u>REASON</u>																								
Zoning Ordinance Amendment From R-2 to R-3																										
<table border="1"> <thead> <tr> <th><b>DETAILS</b></th> <th><b>POSITIONS</b></th> <th><b>RECOMMENDATIONS</b></th> </tr> </thead> <tbody> <tr> <td>Specific Location and/or Address  900 E Cook Road</td> <td>Sponsor</td> <td>City Plan Commission</td> </tr> <tr> <td>Reason for Project  To allow the U.S. Marine Corp League, Fort Miami Detachment to build a private club.</td> <td>Area Affected</td> <td>City Wide  Other Areas</td> </tr> <tr> <td></td> <td>Applicants/ Proponents</td> <td>Applicant(s) Richard &amp; Linata J Bidlack  City Department  Other</td> </tr> <tr> <td>Discussion (Including relationship to other Council actions)  <u>26 February 1990 - Public Hearing</u>  See Attached Minutes of Meeting  <u>5 March 1990 - Business Meeting</u>  Motion was made and seconded to return the ordinance to the Common Council with a <u>DO NOT PASS</u> recommendation.  Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.  Motion carried.</td> <td>Opponents</td> <td>Groups or Individuals Pornteb Nathanlag, 824 E Cook Gerald Gunkel, 1202 E Cook  Basis of Opposition -would be detriment to area; -use is not compatible with surrounding residential area;</td> </tr> <tr> <td></td> <td>Staff Recommendation</td> <td><input type="checkbox"/> For <input checked="" type="checkbox"/> Against  Reason Against approval would constitute spot zoning; -approval could have a negative impact on property values;</td> </tr> <tr> <td></td> <td>Board or Commission Recommendation</td> <td>By  <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</td> </tr> <tr> <td></td> <td>CITY COUNCIL ACTIONS (For Council use only)</td> <td><input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass</td> </tr> </tbody> </table>			<b>DETAILS</b>	<b>POSITIONS</b>	<b>RECOMMENDATIONS</b>	Specific Location and/or Address  900 E Cook Road	Sponsor	City Plan Commission	Reason for Project  To allow the U.S. Marine Corp League, Fort Miami Detachment to build a private club.	Area Affected	City Wide  Other Areas		Applicants/ Proponents	Applicant(s) Richard & Linata J Bidlack  City Department  Other	Discussion (Including relationship to other Council actions)  <u>26 February 1990 - Public Hearing</u>  See Attached Minutes of Meeting  <u>5 March 1990 - Business Meeting</u>  Motion was made and seconded to return the ordinance to the Common Council with a <u>DO NOT PASS</u> recommendation.  Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.  Motion carried.	Opponents	Groups or Individuals Pornteb Nathanlag, 824 E Cook Gerald Gunkel, 1202 E Cook  Basis of Opposition -would be detriment to area; -use is not compatible with surrounding residential area;		Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against  Reason Against approval would constitute spot zoning; -approval could have a negative impact on property values;		Board or Commission Recommendation	By  <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass
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## DETAILS

## POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 24 January 1990

Projected Completion or Occupancy

Date 6 March 1990

Fact Sheet Prepared by

Date 6 March 1990

Patricia Biancaniello

Reviewed by

Date 3/8/90

Reference or Case Number  
*Nancy May/037*

Public Hearing on Zoning Ordinance Amendments

a. Change of Zone #413  
From R-2 to R-3  
900 E Cook Road

Robert Bash, representing the Marine Corps League as a trustee appeared before the Commission. Mr. Bash stated that if rezoned they are proposing to construct a building to house a private non-profit club. He stated that he has met with the neighborhood association. He stated that they propose to build a 7800 square foot building. He stated that the property is 1300 feet deep and 255 feet wide. He stated that they are proposing to build to the front of the land and this would leave over 1100 feet of land in the rear vacant and in woods. He stated they feel their proposal is better than an apartment complex or duplexes which was originally proposed. He stated that they feel this will enhance the area. He stated that they are also prepared to put in a excel/decel lanes as required by the city. The city has stated concern about the site being screened from the street. He stated that they will be setting back 130 to 160 feet from the front property line. He stated there are already some trees on the property and they would add more if requested. He stated that they do not intend to develop the land to the rear.

Wil Smith stated what type of response he had received from the Neighborhood Association.

Mr. Bash stated that there was approximately 30 people present at the meeting and their main concern was that people from the club might drift over into the area park.

Mr. Smith questioned if they were receptive to this request.

Mr. Bash felt they were. He stated they were concerned about the noise. He stated however that their building will be a steel building with no windows. He stated that they will be at least 40 feet from the nearest house on the west side of the property.

David Long questioned why they were requesting a zoning change instead of a variance.

Mr. Bash stated that was what he was advised to do so by the Commission staff.

Mel Smith questioned how many members they have in the post.

Mr. Bash stated that there are approximately 200.

Mr. Smith questioned if they were located anywhere presently.

Mr. Bash stated they have been using the VFW Post off of Main Street.

Mr. Smith questioned what purpose the building would be used for.

Mr. Bash stated that they would basically use it for members wedding receptionists for meetings, for bingo. He stated that they raise funds by sponsoring bingo. He stated they play once or twice a week.

Robert Hutner stated that he felt this request should be placed before the Board of Zoning Appeals and not before the Plan Commission.

Wayne O'Brien, planner with C&ED, stated that there is a provision in the Zoning Ordinance for a contingent use for a private club, however, that does not allow any private clubs that have alcoholic beverages. He stated that they were under the impression that the Marine Corps League would have alcohol at their facility. He stated that the other type of variance that would apply would be a Use Variance and under state law there are five items that have to be addressed. He stated that one of which is a hardship upon the property. He stated that the hardship has to be unique that prevents the property from being developed from any of its permitted uses. He stated that is an item that is generally very difficult to prove. He stated that staff did not believe that there is a hardship on the property. He stated that staff felt that the rezoning was the best approach. He stated that he does not believe that staff encouraged a rezoning request at this site.

Opposition:

Pornteb Nathanlag, 824 E Cook Road  
Vicki Nathanlag, 824 E Cook Road  
Gerald Gunkel, 1202 E Cook Rd  
Vernon Wyatt, 1105 E Cook Rd  
Andy LaRowe, 923 Cherry Blossom Ln

Mr. Nathanlag is the nearest neighbor to the property in question. He stated that his home would be within 110 feet of the proposed structure.

The concerns of the people who spoke in opposition were:

- the noise pollution that would come from this type of establishment;
- the type of establishment would bring alcohol into the area and present a damaging influence on the children in the area;
- the hours of operation could be any hour of the day or evening;
- the operation would create a litter problem with people coming and going and dropping their litter;
- wherever they serve alcohol there is always the potential for trouble;
- do not want their families subjected to this type of use in their area;

In rebuttal Mr. Bash stated that they have a lounge for the

benefit of the members, but they are not opening a bar. He stated that they would not be using this facility seven days a week and that any receptionists or parties are required supervised by a City or County police officer. He stated also that they are putting a great deal of expense in the building of the structure, with \$36,000 for heating, air conditioning and smoke eaters. He stated they do not intend to have the doors open on the structure during any function.

Mel Smith questioned if they had another option for land.

Mr. Bash stated they have another option at the corner of Butler and Goshen Road, but it would take an additional \$30,000 just to prepare the land for construction. He stated that they have a limited budget. He stated that it seemed to him at the neighborhood meeting that the area residents want the land to set vacant, which is not a reasonable request.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-90-02-19

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of  
Fort Wayne Zoning Map No. N-42

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*David Long*

*David C. Long*

*Janet G. Bradbury*

*D. Schmidt*

*C. R. Edmonds*

DATED:

*3-27-90*

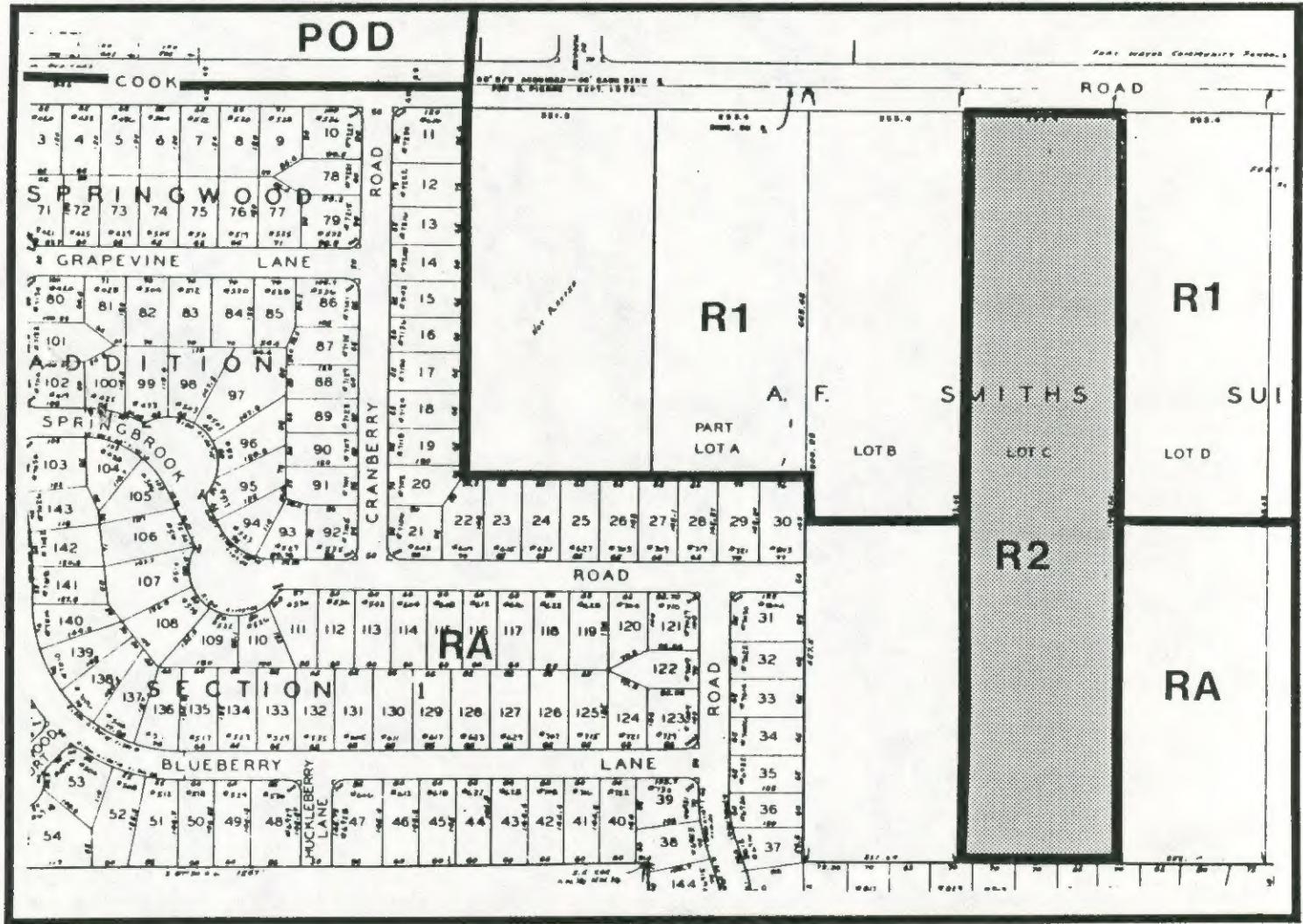
Sandra E. Kennedy  
City Clerk

**REZONING PETITION #713**

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R2 DISTRICT TO A R3 DISTRICT.

MAP NO. N-42

## COUNCILMANIC DISTRICT NO. 3



## ZONING:

## **R1 RESIDENTIAL DISTRICT**

## *R2 RESIDENTIAL DISTRICT*

*RA RESIDENCE "A"*

## LAND USE:

**SINGLE FAMILY**

SCALE: 1"=30'

DATE: 2-6-90

